

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

OP.No. 35974 of 2000(G)

PETITIONER:

P.MATHEW,
FATHIMA MANDIRAM,
SINKARAPPALLY, KODUVILLA,
KIZHAKKEKALLADA.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:

1. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM.
2. ASSISTANT EDUCATIONAL OFFICER,
KUNDARA, KOLLAM.
3. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA, KOLLAM.
4. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SMT. M.R.SREELATHA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 19/09/2007, THE COURT ON 19/09/2007 DELIVERED THE
FOLLOWING:

APPENDIX
(OP NO.35974 OF 2000)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the latest Gratuity Payment Order
dtd.28.9.2000.

Ext.P2: Copy of the letter dtd.19.7.2000 issued by DEO Office,
Kottarakkara.

Ext.P3: Copy of the Show Cause Notice dtd.14.11.2000.

Ext.P4: Copy of the explanation dtd.24.11.2000.

Ext.P5: Copy of the explanation dtd.30.11.2000.

Ext.P6: Copy of the relevant pages of the Manual.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

O.P.NO. 35974 OF 2000 - G

Dated this the 19th day of September, 2007

J U D G M E N T

The petitioner retired from Government Service with effect from 29.2.2000 as a Gazetted Officer. He approached this Court complaining of delay in disbursal of the D.C.R.G. due to the petitioner as sanctioned by Ext.P1 Gratuity Payment Order of the Accountant General. The petitioner therefore seeks the following reliefs:-

“(i) issue a writ of mandamus or any other appropriate writ or order or direction commanding the respondents to disburse the D.C.R.G. Rs.1,34,459/- sanctioned in Ext.P1 with 18% interest from 1.3.2000 to the petitioner;

(ii) declare that petitioner is eligible and entitled to get interest at the rate of 18% on the amount sanctioned in Ext.P4 with effect from 1.3.2000.

(iii) to pass such other orders deems fit by this Hon'ble Court

and

(iv) to award costs of the proceedings from the respondents to the petitioner."

2. In the counter affidavit filed on behalf of the fourth respondent, although there is a mention of possible liability on the petitioner in respect of coupon collection for the District Youth Festival for the year 1996-97, it is admitted that a No Liability Certificate has been issued to the petitioner on 28.1.2001 as it was difficult to pinpoint that liability on the petitioner alone although he was the custodian of the cash in office and the responsible person for cash transaction. Insofar as no liability has been fixed on the petitioner, I do not think that such contention would be sufficient to dis-entitle the petitioner for disbursal of the D.C.R.G. The learned Government Pleader further points out that there was an interim order directing payment of the balance D.C.R.G. and that probably the amounts would

have been paid to him. Since counsel for the petitioner is absent, this could not be ascertained.

3. Accordingly, this writ petition is disposed of with a direction to the respondents to disburse the balance D.C.R.G. due to the petitioner as sanctioned by Ext.P1 if not already disbursed by now. The claim for interest is declined.

**S. SIRI JAGAN,
Judge**

Mbs/

OP NO. 35974 of 2000

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S.SIRI JAGAN, J

O.P.NO. 35974 OF 2000

J U D G M E N T

DATED: 19-09-2007

OP NO. 35974 of 2000

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